

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024**

DECEMBER 16, 1998 -- 7:30pm

**I. CALL TO ORDER/
ROLL CALL**

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Ken Quinby (arrived 7:35pm)
Councilor Sherry Lillard
Councilor Dave McCutcheon
Councilor Len Edwards
Councilor James Raze
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
John Andersen, Planning Director
Roy Wall, Finance Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor McCutcheon moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: a Contract Amendment with Multnomah County for a Community Development Block Grant; Resolution 27-1998, A RESOLUTION ACCEPTING CERTIFIED ELECTION RESULTS FROM MULTNOMAH COUNTY; an Intergovernmental Agreement with Aging Services; Resolution 26-1998, A RESOLUTION AUTHORIZING THE FINANCING OF A NEW CITY HALL IN A PRINCIPAL AMOUNT OF NOT MORE THAN \$2,750,000; and, the Minutes of December 2, 1998.

AYES: 6
NOES: 0
ABSTAINED: 0

At 7:35pm, Councilor Quinby entered the meeting.

**III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS**

Mayor Vonderharr called for persons wishing to speak on non-agenda items.

Bonita Jenkins, 400 Main Street, Fairview, approached the podium and stated that the four East County Historical Societies participated in producing a pictorial history book of East County. The Societies were now in the process of selling the books and Ms. Jenkins asked if anyone on the Council would be interested in purchasing a copy. Mayor Vonderharr and Councilors Raze, Owen, and Edwards indicated that they would like to purchase a book. Marilyn Holstrom, City Administrator, indicated that the City would also like to purchase a copy of the book.

As no one else approached the podium, the session continued.

IV. PUBLIC HEARING

A. ORDINANCE -
Repeal of Noise Disclosure Statement

John Andersen, Planning Director, reported that an ordinance was before the Council which would repeal a section of the City's Zoning Ordinance. Director Andersen stated that during the City's Periodic Review of its Comprehensive Plan, the City adopted a regulation requiring Noise Disclosure Statements be provided to property owners applying for new construction or reconstruction permits in the area of the City impacted by noise levels greater than 55 LDN, created by aircraft passing over the City. The City has never had the staff resources to prepare the required statement, nor to provide or track the statements, and therefore has never implemented the rule. Director Andersen commented that rather than retain a rule that cannot be implemented, the City proposes to repeal the requirement and seek a more appropriate mechanism for alerting City residents of local aircraft noise issues.

Director Andersen mentioned that he had received two phone calls regarding the subject, from the Port of Portland and State Aeronautics which both requested that the section not be repealed; however, no written testimony had been submitted.

Mayor Vonderharr opened the public hearing. As no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Quinby commented that it appears that it would be extremely difficult to enforce the entire process. Director Andersen concurred, stated that staff would have to notify a person at the time of building permit issuance and then the builder would have to pass the information along to the purchaser of the property and make sure it was recorded along with the deed.

Councilor Owen stated that he had spoken with several people in Fairview, and that airplane noise seems to be a personal perception; he found that in people living side by side, one did not hear the noise at all, and yet one could not stand it. Councilor Owen commented that he had attended the first Citizens Noise Advisory Committee (CNAC) meeting last week, which deals with airport noise, and discovered that there are many departures and arrivals every day at Portland International Airport from various directions, and that he felt it would be almost impossible to determine each person which could be affected. Councilor Owen commented that he was personally in favor of repealing the subject section of the City's Zoning Ordinance.

Councilor Lillard stated that she was in favor of removing the subject section of the ordinance as Fairview has several other noises and for the City to have to provide statements just for airport noise was not an effective way of informing people; all noise impacts should have to be taken into consideration. In addition, Councilor Lillard commented that she did not think it was the City's responsibility to inform prospective homebuyers. Councilor Raze stated that he was also in favor of repealing the subject section of the ordinance.

Councilor Edwards mentioned that Fairview was within the noise level standards as set by the Oregon Department of Environmental Quality, and since the City has never had the staff to enforce the subject ordinance section, it was only fair to repeal the section.

Councilor Edwards moved and Councilor Lillard seconded the motion to read Ordinance 18-1998 a first time by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 18-1998 by title only.

Councilor Edwards moved and Councilor Lillard seconded the motion to adopt Ordinance 18-1998, AN ORDINANCE AMENDING ZONING ORDINANCE 9-1990, BY DELETING SECTIONS 5.10 THROUGH 5.13 RELATING TO AIRPORT NOISE DISCLOSURE STATEMENTS.

AYES: 7
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. License Transfer - Solid Waste Collection

Administrator Holstrom reported that the City had received a letter from Waste Connection, notifying us that Columbia Sanitary had signed an agreement to sell their Fairview service customers to Waste Connection. Administrator Holstrom commented that staff interprets the Solid Waste Code as stating that the proposed transfer must be approved at Council level. Administrator Holstrom stated that all pertinent information had been included in the Council's packet, along with a memo from the City Attorney as to why the transfer request should be heard before Council. Administrator Holstrom added that staff had reviewed the transfer request along with the Solid Waste Citizens Advisory Committee (SWCAC), and that Eric Merrill of Waste Connection was present, along with Randy Burbach of Twelve Mile Disposal and Tam Driscoll of the City of Gresham, to answer any questions the Council might have. Administrator Holstrom mentioned that the desire of past Council's has always been for a one-hauler city; however, staff was recommending transfer of the license.

Tam Driscoll stated that Fairview contracts with the City of Gresham in its solid waste program, and that she also had received a letter from Mr. Merrill and had referred it to the Gresham City Attorney who indicated that the transfer did not have to go before the Gresham Council. Ms. Driscoll reported that SWCAC had also reviewed the request and presented their comments; Gresham will be modifying their code to indicate that any change in a hauler's license would have to go before the Council.

Councilor Raze commented that it would be nice to have only one hauler in the City of Fairview.

Mayor Vonderharr asked Waste Connection for their opinion on Fairview's wish to have a single hauler. Mayor Vonderharr commented that the City has worked out certain benefits with Twelve Mile Disposal which were not necessarily available in other cities, and with Fairview's small staff, he was trying to consolidate things as much as possible. Mr. Merrill responded that the impact of the transfer to Waste Connection would be minimal, if at all, as there would only be a transfer of 28 Fairview customers. Mr. Merrill stated that he would like to service those customers through the end of the license term. Mayor Vonderharr questioned the City Attorney on disapproval of the transfer. Pam Beery, Fairview City Attorney, stated that a valid reason was needed for not approving a license transfer, and that there were four factors Council must consider which were listed in her memo to the Council, and findings would have to be made on one of the four criteria. Ms. Beery mentioned that she also recommended the same code changes for Fairview that Gresham would be performing, but Council did have the authority to review the requested transfer tonight.

Councilor Raze questioned how many total customers Columbia Sanitary would be

transferring to Waste Connection. Mr. Merrill responded that it would be about 4,230 customers. Councilor Raze stated that the 28 Fairview customers did not contribute much to that total and asked Mr. Merrill if he would consider selling those Fairview customers to Twelve Mile Disposal. Mr. Merrill responded that if the Council would like him to sell the 28 Fairview service accounts to Twelve Mile that he would agree to that; however, he would also like to prove to the Fairview Council that they could do just as good a job as Twelve Mile. Councilor Raze commented that he was not implying that Waste Connection could not perform the service, he would just like to see one hauler in Fairview.

Councilor Owen stated that he had attended the SWCAC meeting when this request was heard, and that he was glad the current code would be revised. Councilor Owen mentioned that it was a very small number of customers and he does believe that Waste Connection would provide a high level of service, but he would just ask that Mr. Merrill consider selling those 28 accounts to Twelve Mile.

Councilor Edwards asked how long Columbia Sanitary had been providing service to Fairview. Administrator Holstrom responded that Columbia Sanitary had been providing service for about ten years, since that area of the City was annexed. Councilor Edwards commented that there was no reason for Council not to approve the transfer, and that they could not force Mr. Merrill to sell those Fairview accounts, so it really has nothing to do with a vote; he would just like Mr. Merrill to be aware that Fairview would only like to have one hauler.

Randy Burbach, Twelve Mile Disposal, stated that he would not want to impugn Waste Connection's service as he was sure they would maintain service at a high level; however, he would be willing to acquire the 28 Fairview customers. Mr. Merrill requested that this matter be tabled until the next available Council agenda so that he could bring forward a resolution that was acceptable to the Council.

Councilor McCutcheon moved and Councilor Edwards seconded the motion to table the item until the Council's January 20, 1999 meeting.

AYES: 7
NOES: 0
ABSTAINED: 0

VI. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that last Friday, Officer Steve Bevens graduated from the Police Academy, with all but one Fairview officer attending the graduation. Officer Bevens' class had chosen him to address the audience and he presented various awards to their instructors; Fairview Police were very proud of him. Chief Jackson stated that he had good news to report about the speed measuring device: he thought it might finally be working correctly as they took a good readings on Failing Street and Lachenvew Street. Councilor Lillard asked how many vehicles were recorded. Chief Jackson responded that 317 vehicles were measured, with two going 46-50mph, 26 going between 25-30mph, and six blatantly speeding. The test was conducted over a 24-hour timeframe, and would be the first step in the recently adopted speed hump policy.

Councilor Lillard questioned if there would be a system as to what streets the speed measuring device would be used on. Chief Jackson responded that as speed hump requests were received, those would be the streets the measuring device would be used on.

Councilor Edwards noted that traffic citations seemed to be decreasing. Chief Jackson responded that part of that was due to the fact that one of the officers was at the Police Academy for 10 weeks, but that inclement weather also had an effect on citations.

B. Public Works

Jeffrey Sarvis, Director of Public Works, reported that Gresham was opening bids that week for the wastewater treatment plant. Fairview staff was completing design of the City's four stormwater projects and was wrapping up year-end reports, with one report indicating that the City had pumped 200 million gallons of water during the past year. Director Sarvis stated that he has been working with the City Attorney in regards to the Triad Mechanical dispute, and that the City Engineer had begun the process of working with six residents on Bridge Street regarding a soundwall.

Councilor Quinby asked about the white paint markings throughout the City streets. Director Sarvis responded that staff had requested a flight map of the City for topography purposes, and the white paint indicates manholes and the direction of piping. Councilor Quinby questioned the timeframe for the McDonald project on the northwest corner of Sandy and 223rd Avenue. Director Sarvis responded that he had received a phone call that the individuals were ready to begin construction.

Councilor Lillard asked if Director Sarvis had looked into getting "City of Fairview" printed above the street signs that will be placed at signalized intersections. Director Sarvis responded that the process had just begun, but he did not think there would be enough room on the signs for any additional wording.

C. Planning

Director Andersen reported that the Planning Department had added a part-time office assistant to its staff, Leanne Chilstrom. A new filing system has been started and will be organized by type of application, date, and area of the City. Director Andersen stated that staff was in the process of negotiating with the City of Troutdale to join their electronic permitting process, and that staff was also in the process of starting the City's Transportation System Plan. Councilor Raze commented that the Troutdale Building Inspectors were great to work with.

D. Finance

Roy Wall, Finance Director, stated that last week Council had received a copy of the comprehensive financial report for the City of Fairview. Director Wall indicated that the City's Y2K Committee continued to meet and work towards the effort of Fairview being in full compliance with the Y2K millennium bug; all areas of research have been categorized, and Internet has been found to be a good tool as a number of the vendors are posting their compliance information on the World Wide Web. Director Wall stated that the Y2K project would be a labor intensive study, but staff was making good progress and would update the Council as they move along. Director Wall reported that the cost of sewage treatment by the City of Gresham has seen favorable results, even with the growth in Fairview, and that Fairview has spent about \$5 thousand less than last year for the same timeframe.

E. Administration

Administrator Holstrom announced that John Andersen will join the Fairview staff on a permanent basis as of January 1, 1999. Administrator Holstrom displayed the color scheme for the new City Hall and stated that the project was moving along very well, with the City now owning the property. Administrator Holstrom stated that the Council received a copy of last year's visions for goal setting and thought they might be helpful in preparing for 1999 goal setting session which would occur on January 17th.

Administrator Holstrom stated that the City owns property near 207th Avenue which

was basically open space, and commented that the City had been in negotiations with Holt & Haugh who wished to purchase part of the City's land to add to their space for an anchor store in Fairview Village. The property was located east of 207th Avenue, was 5 or 6 acres in size, and would allow Holt & Haugh to bring in a quality store. Administrator Holstrom added that the final cost of the land would be split 80/20 with Holt & Haugh, with the City receiving the 80%. Ms. Beery distributed a resolution to the Council which would approve the transaction of the land.

Charlie Haugh of Holt & Haugh, the developer of Fairview Village, stated that acquiring the site would allow a corner property for a grocery store, and that it would be a win/win situation for both the City and Holt & Haugh; the timing couldn't be better with the 207th Avenue opening, and the market has seen more buyers interested.

Councilor Edwards questioned how much of the requested five acres were wetlands. Administrator Holstrom responded that that had not been delineated yet, but once determined, Holt & Haugh would have to mitigate the wetlands. Mr. Haugh added that their intent would be to mitigate by placing trails, signage, etc., around the Woodland Elementary School, and if any wetlands needed to be filled, they would mitigate and add to the elementary school resources.

Mayor Vonderharr commented that at looking at the City's very tight budget, we were unsure where resources would be coming from and the sale of this property would give the City some additional resources.

Councilor Raze stated that obviously staff and the Mayor had had time to think about the request, whereas the rest of the Council had just received the information. Administrator Holstrom apologized for the push to conduct the transaction, but the goal was to have the agreement completed by the end of the year. Mr. Haugh added that it was a critical time for them to be entertaining buyers. Councilor Raze stated that Holt & Haugh has had years to entertain prospective buyers, and that he resented having this item placed in the Council's lap tonight and being asked to make a decision in five minutes without much thought.

Councilor Owen questioned whether a public notice had been placed in the newspaper. Administrator Holstrom responded no. Councilor Owen stated that he agreed with Councilor Raze that the Council consider this item at a future date, maybe January 20th, so that everyone on the Council had ample time to read through the resolution and exhibits.

Councilor Quinby noted that the resolution also indicated that a public hearing had been held on the subject, but he could recall no public hearing. Councilor Quinby commented that he could not put his name to something, saying the City had performed all the legal requirements, when it had not.

Ms. Beery stated that it would be a good idea to table the item until January 20th, as she believes she miscommunicated the legal noticing requirements to Administrator Holstrom. Personally, she felt it would be a good decision for the City, but the Council must be comfortable in what they are doing. Council unanimously agreed to table the item until their January 20th meeting.

F. Legal

Ms. Beery commented that her written report was before the Council, and that the Triad Mechanical contract dispute would be going to arbitration on Friday. Ms. Beery thanked the Council for the Holiday Party as she very much enjoyed it.

**VII.MAYOR/COMMITTEE REPORTS AND
COUNCIL CONCERNS**

Councilor Quinby commented that on the evening's Consent Agenda, it seems as if the Aging Services agreement had an incorrect date on page 3, section 6, regarding compensation, and that he thought it was simply a typographical error. Administrator Holstrom stated that she thought it simply referred to services and tasks with varying dates.

Councilor Lillard questioned when ground breaking would occur for the new City Hall. Administrator Holstrom responded that ground breaking was scheduled for around April 1, 1999. Councilor Lillard reported that she had passed a letter along to Commissioner Sharron Kelley at the last EMCTC meeting, stating that Councilor Owen would be her replacement at those meetings in which she could not attend.

Councilor McCutcheon stated that he would like to reinforce the issue that Council does not want information passed out during the meeting as it places the Council in a bad position to make a decision.

Councilor Owen reported that he had attended the first CNAC meeting last week, and that at the next meeting, the committee would be selecting a Chair and officers.

Councilor Raze announced that about \$2700 was raised at the City's Holiday Party for the Heslin House restoration; Ms. Jenkins thanked Councilor Edwards for his auctioneering expertise.

Councilor Edwards thanked the City for arranging the holiday party, and acknowledged the various businesses who donated items for the auction.

Mayor Vonderharr stated that he would like to remove Councilor Owen from the SWCAC and asked Councilor Quinby to replace him on that committee. Councilor Quinby accepted the appointment. Mayor Vonderharr commented that he appreciated the job which staff had done on the Holiday Party.

VIII. ADJOURNMENT

Councilor McCutcheon moved and Councilor Raze seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:23pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder